

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE COMPLAINT FILED)
BY ELLEN MEDICINE HORN, SIOUX FALLS,)
SOUTH DAKOTA, AGAINST NORTHERN)
STATES POWER COMPANY REGARDING A)
CROSS WIRED METER)**

**ORDER FINDING NO
PROBABLE CAUSE AND
CLOSING DOCKET**

EL98-021

On October 2, 1998, the Public Utilities Commission (Commission) received a complaint filed by Ellen Medicine Horn, Sioux Falls, South Dakota (Complainant), against Northern States Power Company (NSP), regarding a cross wired meter. Complainant alleged that a bill of \$712.91 resulting from a cross wired meter is excessive and that she should not be liable for all of it. Complainant wanted to be charged from the time that the problem of the cross wired meter was first discovered.

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On October 15, 1998, at its regularly scheduled meeting, the Commission considered this complaint along with presentations by the Complainant Ellen Medicine Horn, Jim Wilcox, a representative of Northern States Power Company, and Commission Staff. NSP alleged that the meter for the Complainant was mislabeled by a party other than NSP and that the Complainant was still responsible for the electricity used. Staff recommended a finding of no probable cause due to ARSD 20:10:17:09.

The Commission has jurisdiction over this matter pursuant to SDCL 49-34A-2, 49-34A-4, 49-34A-27, 49-34A-42, 49-34A-55, and ARSD 20:10:01:08.01, and 20:10:01:09. The Commission voted not to find probable cause; the Complainant under ARSD 20:10:17:09 remains responsible for electricity she used although the meter may have been mislabeled or incorrectly connected. It is therefore

ORDERED, that probable cause has not been found in this matter; and it is further

ORDERED, that the docket shall be closed.

Dated at Pierre, South Dakota, this 26th day of October, 1998.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner